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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,392	04/10/2001	Colin I'anson	1509-153	9006
22879	7590	03/21/2005	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			ROSEN, NICHOLAS D	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/829,392

Applicant(s)

I'ANSON ET AL.

Examiner

Nicholas D. Rosen

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,13,15-17,21,22 and 29-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,13,15-17,22,29-38,40-42 and 44-54 is/are rejected.
- 7) ☒ Claim(s) 39 and 43 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/18/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Claims 1-3, 5, 13, 15-17, 21, 22, and 29-54 have been examined.

### ***Claim Objections***

Claims 1-3, 5, 13, 15-17, 21, and 22 are objected to because of the following informalities: In the second and third lines of claim 1, "to electronically capture each of two or more shops" is poorly phrased, since it is not the shops as such which are captured, and the claim later recites "item data" as the object of the verb "capture". Applicants could write "in respect of each of each of two or more shops", as in an earlier version of the claim. Furthermore, as the second last line of claim 1 begins "obtaining further data," it is redundant and ungrammatical for the last line to end "to obtain." Appropriate correction is required.

Claim 15 is objected to because of the following informalities: In the third line of claim 15, "the contact data" lacks antecedent basis. Appropriate correction is required.

Claim 17 is objected to because of the following informalities: The fourth line of claim 17 contains an ungrammatical clause in which forms of the word identify are repeated: "whereby identify the item of interest concerned is identified". Appropriate correction is required.

Claim 32 is objected to because of the following informalities: In the second line of claim 32, "image data to the store website" appears to lack a verb, and in the third line, "the passed image data" lacks antecedent basis, suggesting that the missing verb is "passing," and the phrase in the second line should be "passing image data to the store website system" -- except that "website" lacks antecedent basis, so "the store

website system” should be “the store remote service system.” Also, in the third line of claim 32, “making” appears to be an error for “matching”. Appropriate correction is required.

Claims 36-39 are objected to because of the following informalities: In claim 36, part (b) lacks a verb. Either “(b) store data” should be amended to something like “(b) electronically capture store data”, or else the phrase “electronically capture” in the second line should be moved to precede (a), so that it will apply to both (a) and (b). Appropriate correction is required.

Claim 39 is objected to because of the following informalities: In the first and second lines, “resolving ambiguities” could refer to a user resolving ambiguities in a non-technological way, by the mental process of deciding, for example, that since the item data referred to shoes, the store must be the shoe store rather than the candy store at nearly the same location. For the claim to be patentable, it should unambiguously recite that the device or apparatus resolves ambiguities. Appropriate correction is required.

Regarding claims 40-54, some of the language of claim 40 does not unambiguously recite as claim limitations the features mentioned. A “user-portable device for” X need not be a device which actually does X, and “a data-handling apparatus for” Y need not actually do Y. These could be read as mere statements of intended purpose. Similar problems arise with regard to various claims dependent on claim 40.

Claim 43 is objected to because of the following informalities: The statement that the data-handling arrangement is operative to use the item data does not clearly recite that the data handling arrangement does use the item data as described, and therefore fails to properly set forth the claim limitation. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claims 1-3, 5, 13, 15-17, 21, and 22**

Claims 1, 2, 13, 16, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iudica ("Finding the Best Price: A Compromise") in view of Hill et al. (U.S. Patent Application Publication 2002/0078363). As per claim 1, Iudica discloses a

shopping assistance method, comprising: (a) capturing in respect of each of two or more shops visited during a shopping trip, item data about items of interest in these shops, and store data indicative of the identity of the shop (whole article); (b) organizing the captured data so as to associate each piece of item data captured with the store data for the shop where the item data was captured (whole article). Ludica does not disclose a shopper using a portable device to electronically capture this data, but Hill teaches a shopper using a portable device to electronically capture item data in shops (Abstract; paragraphs 8, 12, and 15). Hill further discloses downloading the captured item data to the shopper's local computer (paragraph 15) and using the computer to present information about the items of interest for which item data was captured, and obtaining further data about an item of interest by passing at least some of the captured item data from the local computer to a remote service system (paragraphs 15, 90, 94). Hill does not expressly teach that this is done for each shop, but Ludica discloses grouping item information for each shop (whole article). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to use a portable device to capture item data electronically, download the data to a shopper's local computer, and obtain further data by passing captured item data to a remote service system, for the stated advantage of searching the Internet for competitive pricing (and the implied advantage of buying items cheaply).

As per claim 2, Ludica discloses that store data comprises location data (stores repeatedly identified by location throughout article).

As per claim 13, Hill teaches further including processing of the captured data by performing the operation of interpreting bar code image data included in said information (paragraphs 15, 64, 89). Hence, it would have been obvious to one of ordinary skill in the art of commerce at the time of applicant's invention for processing of the captured data to include interpreting bar code image data in said information, for the obvious advantage of being able to interpret data of a widely used type.

As per claim 16, Hill teaches using a digital camera to capture image data (paragraph 72), making it obvious to one of ordinary skill in the art of electronic commerce for said item data to be image data captured by using a digital camera, for the obvious advantage of easily and conveniently capturing useful data.

As per claim 21, Iudica and Hill both disclose that items of interest may be products on offer for sale or hire (throughout Iudica article, and in Hill patent, e.g., paragraphs 15 and 94).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iudica and Hill as applied to claim 1 above, and further in view of Gershman et al. (U.S. Patent 6,199,099) and official notice. Iudica discloses that store data comprises business identifiers (repeatedly through article). Iudica does not disclose using the business identifier to look up the location of the shop concerned, but official notice is taken that it is well known for business identifiers to be used to look up the location of the shop concerned (e.g., store name data can be used to look up the location of the shop concerned in a telephone directory, paper or on-line). Hence, it would have been obvious to one of ordinary skill in the art of commerce at the time of applicant's

invention for the business identifier to be used to look up the location of the shop concerned, for the obvious advantage of assisting interested persons in going to the store, or in such other tasks as analyzing sales by geography.

Neither Ludica nor Hill discloses presenting information through an initial image in the form of a map display including the relative locations of the shops visited, information about the items of interest associated with each shop being selectively displayed from this image. However, Gershman teaches presenting information through an initial image in the form of a map display including the relative locations of the shops visited, information about the items of interest associated with each shop being selectively displayed from this image (column 2, line 56, through column 3, line 2; column 53, lines 1-28; Figure 27A). Hence, it would have been obvious to one of ordinary skill in the art of commerce at the time of applicant's invention to present information through an initial image in the form of a map display including the relative locations of the shops visited, information about the items of interest associated with each shop being selectively displayed from this image, for the advantage, as taught by Gershman, of assisting shoppers in finding desired items, and at the lowest price.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ludica and Hill as applied to claim 2 above, and further in view of Gershman et al. (U.S. Patent 6,199,099). Neither Ludica nor Hill discloses presenting information through an initial image in the form of a map display including the relative locations of the shops visited, information about the items of interest associated with each shop being selectively displayed from this image. However, Gershman teaches presenting information through



an initial image in the form of a map display including the relative locations of the shops visited, information about the items of interest associated with each shop being selectively displayed from this image (column 2, line 56, through column 3, line 2; column 53, lines 1-28; Figure 27A). Hence, it would have been obvious to one of ordinary skill in the art of commerce at the time of applicant's invention to present information through an initial image in the form of a map display including the relative locations of the shops visited, information about the items of interest associated with each shop being selectively displayed from this image, for the advantage, as taught by Gershman, of assisting shoppers in finding desired items, and at the lowest price.

Claims 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iudica and Hill as applied to claim 1 above, and further in view of official notice. As per claim 15, neither Iudica nor Hill discloses that said remote system is one run by the shop associated with the item of interest, and that the related store data is used to determine contact data for said remote service system, but official notice is taken that it is well known for shops to have websites, and well known to use related store data to determine contact data for a remote service system (e.g., one could enter a shop's name into a search engine like Google to find the URL of the shop's website). Hence, it would have been obvious to one of ordinary skill in the art of commerce at the time of applicant's invention for said remote system to be one run by the shop associated with the item of interest, and for the related store data to be used to determine contact data for said remote service system, for the obvious advantages of finding and connecting to

the shop's remote service system, and using the shop's remote service system for comparison shopping of other information gathering and communication.

As per claim 22, neither Iudica nor Hill discloses that at least one item of interest is a service, but official notice is taken that it is well known for shops to offer services. Hence, it would have been obvious to one of ordinary skill in the art of commerce at the time of applicant's invention for at least one item of interest to be a service, for the obvious advantage of finding where services can be most cheaply obtained.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iudica and Hill as applied to claim 1 above, and further in view of Patel et al. (U.S. Patent 6,747,692). Hill teaches a digital camera for acquiring image data (paragraph 72), but neither Iudica nor Hill discloses that the remote service system matches the image data with corresponding image data held by itself whereby the item of interest concerned is identified. However, Patel discloses comparing transmitted images to images held in a database for the purpose of identification of items (column 9, lines 18-40). Hence, it would have been obvious to one of ordinary skill in the art of commerce at the time of applicant's invention for the remote service system to match the image data with corresponding image data held by itself whereby the item of interest concerned would be identified, for the obvious advantage of identifying photographed items.

#### **Claims 29-35**

Claims 29, 31, 33, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill et al. (U.S. Patent Application Publication 2002/0078363) in view of Iudica ("Finding the Best Price: A Compromise") and official notice. As per claim 29,

Hill discloses a shopping assistance method, comprising: a shopper using a portable device to electronically capture item data about items of interest at a shop (Abstract; paragraphs 15, 89, 91, and 94); and subsequently downloading the captured item data to the shopper's local computer (paragraph 91). Hill does not disclose capturing the data at each of two or more shops visited during a shopping trip, but ludica teaches gathering data at two or more shops visited (throughout article). Hill does not disclose store data indicative of the identity of the shops is captured by input by the shopper, but ludica teaches store data indicative of the identity of the shops (throughout article), and provides for each shop, information about the items of interest for which item data was captured in that shop (throughout article). Hence, it would have been obvious to one of ordinary skill in the art of commerce at the time of applicant's invention to capture data at each of two or more shops, capture store data indicative of the identity of the shops, and present the captured data to provide for each shop information about the items of interest for which item data was captured in the store, for the stated advantage of comparison shopping.

Hill discloses retrieving further data about a user-selected one of said items by contacting a remote service system (paragraph 94), but does not disclose that this is a remote service system of the store concerned. However, official notice is taken that it is well known for shops to have websites, and for data about businesses or other entities to be used to contact their websites. Hence, it would have been obvious to one of ordinary skill in the art of commerce at the time of applicant's invention for a remote system to be a remote service system of the store concerned, contacted using the

associated store data, for the obvious advantages of finding and connecting to the shop's remote service system, and using the shop's remote service system for comparison shopping or other information gathering and communication.

As per claim 31, Hill teaches using a digital camera to capture image data (paragraph 72).

As per claim 33, Hill and Iudica both disclose that items of interest may be products on offer for sale or hire (Hill, e.g., paragraphs 15 and 94; throughout Iudica article).

As per claim 35, Hill does not expressly disclose that the captured data is provided by being shown, but official notice is taken that it is well known to provide data by showing it. Hence, it would have been obvious to one of ordinary skill in the art of commerce at the time of applicant's invention for the captured data to be provided by being shown, for the obvious advantage of making the data conveniently available and observable to the user.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hill, Iudica, and official notice as applied to claim 29 above, and further in view of Gershman et al. (U.S. Patent 6,199,099). Claim 30 is similar to claim 3, and rejected on essentially the grounds set forth above with regard to claim 3.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hill, Iudica, and official notice as applied to claim 29 above, and further in view of Patel et al. (U.S. Patent 6,747,692). On a general interpretation of its meaning, claim 32 is largely parallel to claim 17, and rejected on essentially the same grounds. On a strict

interpretation, "whereby the selected item concerned can be identified" does not recite any actual step of identifying the selected item.

As per claim 34, neither Hill nor Iudica discloses that at least one item of interest is a service, but official notice is taken that it is well known for shops to offer services. Hence, it would have been obvious to one of ordinary skill in the art of commerce at the time of applicant's invention for at least one item of interest to be a service, for the obvious advantage of finding where services can be most cheaply obtained.

#### **Claims 36-38**

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hill et al. (U.S. Patent Application Publication 2002/0078363) in view of Iudica ("Finding the Best Price: A Compromise"). Hill discloses a shopping assistance method, comprising: using a user-portable device to (a) electronically capture item data about items of interest at at least one store (Abstract; paragraphs 15, 89, 91, and 94); and subsequently using the captured data to present to the user, via user apparatus, information about the shopping trip comprising information about the items of interest for which item data was captured (paragraphs 15, 90, 91, and 94). Hill does not disclose capturing item data at the premises of two or more stores visited by a user during a shopping trip, electronically capturing store data indicative of the identity of the stores, the item data being associated with the store data for that store, and presenting to the user for each item, the identity of the store indicated by the associated store data; but Iudica teaches capturing item data at a plurality of stores, the item data being associated with corresponding store data, the identity of the corresponding store being indicated for

each set of item data (throughout article). Hence, it would have been obvious to one of ordinary skill in the art of commerce at the time of applicant's invention to do these things, for the stated advantage of comparison shopping.

Claims 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill and Iudica as applied to claim 36 above, and further in view of official notice. As per claim 37, Hill discloses selecting one item from items in the presented information by the user using said apparatus, and the apparatus fetching further information concerning the user-selected store or item on the basis of at least the corresponding item data where an item is selected (paragraphs 90-92 and 94). Hill does not expressly disclose the apparatus fetching further information on the basis of at least the corresponding store data if a store is selected, but Iudica teaches further store information (e.g., store locations), and official notice is taken that it is well known to look up information about stores or other entities on the basis of at least corresponding store (or other entity) data (e.g., entering a business's name in a search engine on the Internet). Hence, it would have been obvious to one of ordinary skill in the art of commerce at the time of applicant's invention for the apparatus to fetch further information as recited, for the stated advantage of comparison shopping.

As per claim 38, Hill does not disclose translating the location data into store identity data by using a remote services system, but official notice is taken that looking information up on remote services systems, including finding the stores or other entities corresponding to locations, is well known. Hence, it would have been obvious to one of ordinary skill in the art of commerce at the time of applicant's invention for the method to

further comprise translating the location data into store identity data by using a remote services system, for the obvious advantage of determining which stores items were found at.

**Claims 40-42 and 44-54**

Claims 40, 47, 50, 51, 52, 53, and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill et al. (U.S. Patent Application Publication 2002/0078363) in view of Iudica ("Finding the Best Price: A Compromise"). As per claim 40, Hill discloses a shopping assistance system, comprising: a user-portable device for electronically capturing at the premises of at least one store visited by a user during a shopping trip, item data about items of interest at the store(s) (Abstract; paragraphs 12 and 15); a data storage arrangement for storing the item data captured during the shopping trip (paragraph 89); and a data-handling arrangement for subsequently presenting to the user information about the shopping trip comprising information about the items of interest for which item data was captured (paragraphs 90, 91, and 94). Hill does not disclose capturing item data at the premises of two or more stores visited by a user during a shopping trip, storing data indicative of the identity of the stores, or presenting to the user the identity of the store associated with each item, the identity of each store determined from the captured store data; but Iudica teaches capturing item data at a plurality of stores, the item data being associated with corresponding store data, and presenting the identity of the corresponding store for each set of item data (throughout article). Hence, it would have been obvious to one of ordinary skill in the art of

commerce at the time of applicant's invention to do these things, for the stated advantage of comparison shopping.

As per claim 47, Hill teaches using a digital camera to capture image data (paragraph 72).

As per claim 50, Hill discloses that the data storage arrangement can be part of remote service apparatus, the user-portable device including a communications arrangement for passing the captured item data to the service apparatus, the data-handling arrangement including a user's local computer with a communications interface for downloading the item data from data the storage arrangement (Abstract; paragraphs 12, 15, 90, 91, and 94).

As per claim 51, Hill discloses that the data storage arrangement can be part of remote service apparatus, the user-portable device including a communications arrangement for passing the captured item data to the service apparatus, the data-handling arrangement being divided between the service apparatus and a user's local computer, the service apparatus being operative to provide to the user's local computer item data, or data derived from the item data (Abstract; paragraphs 12, 15, 90, 91, and 94). Hill does not disclose providing store identification data for presentation to the user, but this is obvious in view of Iudica, as set forth above regarding claim 40, for the stated advantage of comparison shopping.

As per claim 52, Hill discloses that the data storage arrangement can be part of the user-portable device (paragraph 49).



As per claim 53, Hill does not disclose that the user-portable device is operative to capture both item data and store data, etc., with one of the user-portable device and data-handling arrangement operative to separately identify the item data and store data, etc., but this is held to be obvious from Ludica's teachings of store data and item data, for the obvious advantage of making comparative shopping using the device, etc., feasible.

As per claim 54, Ludica teaches presenting item data to users, organized by store identity (entire article). Hence, it would have been obvious to one of ordinary skill in the art of commerce at the time of applicant's invention for the data-handling apparatus to be arranged the item data to the user, organized by store identity, for the stated advantage of comparison shopping.

Claims 41, 42, 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill and Ludica as applied to claim 40 above, and further in view of official notice. Claims 41 and 42 are largely parallel to claims 37 and 38, respectively, and rejected as unpatentable on essentially the same grounds set forth above for those claims.

As per claim 48, Hill discloses a further-data source associated with said store (paragraphs 91 and 92). Otherwise, claim 48 is largely parallel to claim 15, and rejected as unpatentable on essentially the same grounds set forth above for claim 15.

As per claim 49, the same disclosure of Hill makes claim 49 obvious, essentially as set forth above for claim 15.

Claim 44 rejected under 35 U.S.C. 103(a) as being unpatentable over Hill and Iudica as applied to claim 42 above, and further in view of Gershman et al. (U.S. Patent 6,199,099). Claim 44 is parallel to claim 5, and rejected on essentially the same grounds set forth above for claim 5.

Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hill and Iudica as applied to claim 40 above, and further in view of official notice; claim 46 is rejected as being unpatentable over Hill, Iudica, and official notice as applied to claim 45, and further in view of Gershman et al. (U.S. Patent 6,199,099). Claims 45 and 46 between them recite essentially the limitations of claim 3, and are rejected on essentially the same grounds set forth above for claim 3.

#### ***Allowable Subject Matter***

Claim 39 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and also rewritten to make the claim unambiguously technological.

The following is a statement of reasons for the indication of allowable subject matter: The closest prior art or record, Hill et al. (U.S. Patent Application Publication 2002/0078363), discloses some limitations of claims 36 and 38, while others are obvious in view of Iudica ("Finding the Best Price: A Compromise") and well known facts of which official notice is taken, as set forth above. However, neither Hill, Iudica, nor any other prior art of record discloses using a user-portable device or user apparatus to

resolve ambiguities in translating location data to a store identity by using the item data associated with store data formed by a location. It is known to locate stores selling desired items, but this is not the same.

Claim 43 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and also rewritten to state unambiguously that the data-handling arrangement actually performs the step which distinguishes over the prior art.

The following is a statement of reasons for the indication of allowable subject matter: The closest prior art or record, Hill et al. (U.S. Patent Application Publication 2002/0078363), discloses some limitations of claims 36 and 38, while others are obvious in view of Iudica ("Finding the Best Price: A Compromise") and well known facts of which official notice is taken, as set forth above. However, neither Hill, Iudica, nor any other prior art of record discloses a data-handling apparatus using item data associated with store data formed by a said location to resolve ambiguities in translating that location to a store identity. It is known to locate stores selling desired items, but this is not the same.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hager et al. (U.S. Patent Application Publication 2004/0225578) disclose a consumer shopping tool to augment retail sales. McIntyre et al. (U.S. Patent

Application Publication 2004/0267639) disclose a method and system for organizing images.

Marter ("July Costs Show rise, Again, to Record Levels") discloses comparison shopping by visiting at least two supermarkets. Gilbert ("Ward Moves Toward 'Specialty Selling Machine'") discloses gathering data by comparison shopping at a mall, where it is easy to visit several stores during one shopping trip.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 703-305-0753. This number is expected to be changed to 571-272-6762 on or about April 13, 2005. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Non-official/draft communications can be faxed to the examiner at 703-746-5574.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Nicholas D. Rosen*  
**NICHOLAS D. ROSEN**  
**PRIMARY EXAMINER**

March 14, 2005